IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 1ST NOVEMBER 2007 / 10TH KARTHIKA 1929

Tr.P(C).No. 233 of 2007()

OS.132/2007 of SUB COURT, THIRUVALLA
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: PETITIONERS
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1. P.T.NAJMA HARIS, AGED 35 YEARS,
W/O.MUHAMMED HARIS, NAJMA HOUSE,
38/1237-A, EDAKKAD P.O., PUTHIYANGADI,
PUTHIYANGADI AMSOM EDAKKAD DESOM,
KOZHIKODE DISTRICT.

2. MUHAMMED HARIS, AGED 39 YEARS,
S/O.HAMEED, NAJMA HOUSE, 38/1237-A,
PUTHIYANGADI AMSOM, EDAKKAD DESOM,
EDAKKAD P.O., PUTHIYANGADI, KOZHIKODE DISTRICT.

BY ADV. SRI.R.SUDHISH
SMT.M.MANJU

RESPONDENTS:
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1. PRAMODKUMAR,
NATIONAL FINANCE PVT.LTD., 17/626,
SNDP BUILDING, THIRUVALLA-689 101,
PATHANAMTHITTA DISTRICT.

2. SHAJU JOSEPH, NATIONAL FINANCE PVT.
LTD., 17/626, SNDP BUILDING, THIRUVALLA-689 101,
PATHANAMTHITTA DISTRICT.

3. SALEX MAMMEN, KULATHRATTU HOUSE,
KALLOOPPARA P.O., CHACKOMBHAGOM MURI,
KALLOOPPARA VILLAGE, MALLAPPALLY TALUK-689 101.

4. NAVEEN VIJAY, AGED 27 YEARS,
S/O.P.S.VIJAYAN, NAVEENAM HOUSE,
VALLAMALA MURI, KUNNAMTHANAM VILLAGE,
MALLAPPALLY TALUK-689 101.

BY

THIS TRANSFER PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/11/2007, ALONG WITH TRPC NOS.235/07 & 236/07, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N. KRISHNAN, J.

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Tr.P.C. NOs. 233, 235 &
236 OF 2007

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Dated this the 1st day of November, 2007.

J U D G M E N T

These Transfer Petitions are filed to transfer O.S.132/07, O.S.126/07 and O.S.134/07 pending before the Subordinate Judge, Thiruvalla to the Subordinate Judge, Kozhikode. All these suits are for realisation of the amount alleged to be due from the present petitioners. The present petitioners have instituted the suits before the Munsiff Court, Kozhikode for a mandatory injunction for return of the documents which were illegally retained. Therefore, it is prayed that the suit at Thiruvalla has to be jointly tried with the suits pending before the Munsiff Court, Kozhikode and for enabling the Court to do so transfer the case from Subordinate Judge, Thiruvalla to Subordinate Judge, Kozhikode and thereafter allow the joint trial and try the

cases together. I feel the prayer is a thing which cannot be entertained by this Court.

2. Secondly, in a suit for money which is pending before the Thiruvalla Court all these questions can be raised by the plaintiffs who have filed the suit before Kozhikode and it appears that the suit is based on a promissory note on borrowal of the amount and issuance of cheques. The Transfer Petitioners would contend that there are only blank signed cheques which are utilized for the purpose of filing the suits. Certainly these matters will be directly and substantially in issue in all the cases pending before the Subordinate Judge, Thiruvalla and a decision of that Court will have certainly a binding in the other suits pending before the other Court. Therefore, I do not consider it necessary at all to Transfer the cases under Section 24 of CPC and therefore all these petitions are dismissed.

M.N. KRISHNAN, JUDGE.

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